

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**SPABO ICE CREAM CORP. d/b/a
MISTER SOTTEE and
MISTER SOTTEE, INC.**

Plaintiffs,

v.

**E. PIEDAD RIVERA d/b/a MISTER SOTTEE
ET AL.**

Defendants.

**CIVIL ACTION NO.
1:07-cv-08628-PAC**

DEFAULT JUDGMENT

This action having been commenced on October 5, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the following defendants on the following dates, and proofs of service having been filed on the following dates

Defendant	Method of Service	Date Proof of Service Filed
E.Piedad Rivera	Service upon Raphael Garcia, an individual who stated he was authorized to accept service on behalf of E. Piedad Rivera	October 25, 2007
Jorge H. Verdugo	Service by affixing summons and complaint to a conspicuous part of the door of 944 Phoenix Avenue, Peekskill, New York, 10566; previous attempts were made on 10/13/07, 10/15/07, 10/23/07 and 10/31/07; thereafter, on November 5, 2007, a copy of the summons and complaint was mailed to the defendant.	November 6, 2007
Parra Sun, Inc.	Service upon Carmine Conte, who stated he was authorized to accept service on behalf of the corporation.	October 29, 2007
Haydee Cordon	Service by affixing summons and complaint to a conspicuous part of the door of 1805 Crotona Avenue, Apt. 17D, Bronx, New York, 10474; previous attempts were made on 10/12/07,	November 6, 2007

	10/13/07, 10/16/07, 10/22/07 and 10/31/07; thereafter, on November 5, 2007, a copy of the summons and complaint was mailed to the defendant.	
Claudia Zapata	Service by affixing summons and complaint to a conspicuous part of the door of 1201 Oak Point Avenue, Bronx, New York, 10474; previous attempts were made on 11/14/07, 11/15/07, 11/20/07, 11/23/07 and 11/27/07; thereafter, on December 1, 2007, a copy of the summons and complaint was mailed to the defendant.	December 6, 2007
Ramon A. Pacheco	Service by affixing summons and complaint to a conspicuous part of the door of 16 East 177 th Street, Apt. 1E, Bronx, New York, 10453; previous attempts were made on 10/12/07, 10/15/07, 10/17/07, 10/24/07 and 10/31/07; thereafter, on November 5, 2007, a copy of the summons and complaint was mailed to the defendant.	November 6, 2007

and the defendants not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against each of the defendants E.Piedad Rivera, Jorge H. Verdugo, Parra Sun, Inc., Haydee Cordon, Claudia Zapata, and Ramon A. Pacheco as follows:

(A) Defendants, their agents, employees and any person acting in concert with them are permanently enjoined from using Mister Softee, Inc.'s proprietary trademarks and trade dress or any colorable imitation in any manner whatsoever;

(B) Defendants shall immediately deliver up and destroy all labels, signs, prints, packages, wrappers, receptacles, and advertisements in their possession bearing the word and/or symbol that is the subject of the trademark or trade dress violation or any reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, and other means of making the same;

(C) Defendants shall immediately make all appropriate alterations to their trucks so as not to use Mister Softee's proprietary trade dress or colorable imitation in any manner whatsoever; and

(D) Judgment in the amount of \$4,412.10 is hereby entered against each of the Defendants and in favor of Plaintiffs.

Dated: New York, New York
_____, 2008

U.S.D.J.

This document was entered on the docket
on _____.